

# NEW UNITED STATES UTILITY PATENT APPLICATION TRANSMITTAL

Atty. Docket No.: 4231/2055J

## CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. E5242756520US** on this date, **March 30, 2004**, postage prepaid, in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Amy Decloux

Name of Person Mailing Paper

Amy De Cloux

Signature of Person Mailing Paper

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### Enclosed herewith is a new patent application of:

First Named Inventor (or application identifier): Choong-Chin Liew

Title of Invention: A Method for the Detection of Lung Disease Related Gene Transcripts in Blood

- Type: ☐ New  
☐ Continuation of: \_\_\_\_\_  
☐ Continuation-in-Part of: \_\_\_\_\_  
☒ Divisional of: Serial No. Not Yet Assigned; Atty. Docket No. 4231/2055B, Filed March 12, 2004, Entitled: A Method for the Detection of Coronary Artery Disease Related Gene Transcripts in Blood  
which is hereby incorporated by reference in its entirety into the application filed herewith;

### and includes the following papers:

1. ☒ Specification 272 pages (including specification, claims, abstract)/ 48 claims (21 independent)
2. ☒ Declaration/Power of Attorney is:  
☐ Executed ☐ Unexecuted ☐ Executed copy from Parent Application  
☒ NOT included, but deferred under 37 C.F.R. § 1.53(f).
3. ☒ 34 Distinct sheets of ☐ Formal ☒ Informal Drawings
4. ☒ Application Data Sheet
5. ☐ Preliminary Amendment.
6. ☐ Information Disclosure Statement  
☐ Form 1449 ☐ A copy of each cited prior art reference (as necessary)
7. ☐ Assignment with Recordation Cover Sheet.
8. ☒ Priority is hereby claimed under 35 U.S.C. § 119 based upon the following application(s):

Country	Application Number	Date of Filing (day, month, year)
US	60/271,955	28 February, 2001
US	60/305,340	13 July, 2001
US	60/275,017	12 March, 2001
US	60/115,125	6 January, 1999

9. ☒ Priority is hereby claimed under 35 U.S.C. § 120 based upon the following application(s):

Application Number	Date of Filing (day, month, year)
10/601,518	20 June, 2003

# NEW UNITED STATES UTILITY PATENT APPLICATION TRANSMITTAL

Atty. Docket No.: 4231/2055J

10/268,730	9 October, 2002
10/085,783	28 February, 2002
09/477,148	4 January, 2000

10. ☒ Priority is hereby claimed under 35 U.S.C. § 121 based upon the following application(s):

Application Number	Date of Filing (day, month, year)
Not Yet Assigned (Atty. Docket No. 4231/2055B)	March 12, 2004

The above applications from which priority is claimed are hereby incorporated in their entirety into the application filed herewith.

11. ☐ Priority document(s).
12. ☐ Microfiche Computer Program (Appendix).
13. ☐ Nucleotide and/or Amino Acid Sequence Submission.  
☐ Computer Readable Copy.  
☐ Paper Copy (identical to computer copy).  
☐ Statement verifying identity of above copies.
14. ☒ Request for Non-Publication and Certification under 35 USC 122 (b)(2)(B)(i)
15. ☒ Statement of Small Entity Status, Pursuant to 37 C.F.R. § 1.27.

16. Calculation of Fees:

FEES FOR	TOTAL CLAIMS	EXCESS CLAIMS	FEE	AMOUNT DUE
Basic Filing Fee (37 C.F.R. § 1.16(a))				\$770.00
Total Claims in <b>Excess of 20</b> (37 C.F.R. § 1.16(c))	234	214	\$18.00	3,852.00
Independent Claims in <b>Excess of 3</b> (37 C.F.R. § 1.16(b))	21	18	\$86.00	1,546.00
Multiple Dependent Claims (37 C.F.R. § 1.16(d))	YES		\$290.00	290.00
Subtotal - Filing Fee Due				\$6,458.00
Reduction by 50%, if Small Entity (37 C.F.R. §§ 1.9, 1.27, 1.28)		MULTIPLY BY 0.50		\$3,229.00
<b>TOTAL FILING FEE DUE</b>				<b>\$3,229.00</b>
Assignment Recordation Fee (if applicable) (37 C.F.R. § 1.21(h))	0		\$40.00	
<b>GRAND TOTAL DUE</b>				<b>\$3,229.00</b>

17. PAYMENT is:
- ☒ The Commissioner is hereby authorized to charge any fees to Deposit Account 16-0085, Ref. 4231/2055J.
- ☐ not included, but deferred under 37 C.F.R. § 1.53(f).

**NEW UNITED STATES UTILITY PATENT APPLICATION TRANSMITTAL**

**Atty. Docket No.: 4231/2055J**

18. All correspondence for the attached application should be directed to:

**Kathleen Williams**  
**Customer Number 29933**  
111 Huntington Avenue  
Boston, MA 02199-7613

19. Other: \_\_\_\_\_

Respectfully submitted,

Date: \_\_\_\_\_

3-30-04

By: \_\_\_\_\_

Name: ~~Kathleen~~ Williams  
Registration No.: 34,380

17607 U.S. PTO  
033004

Atty. Docket No.: 4231/2055J

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Choong-Chin Liew  
Serial No.: Not Yet Assigned  
Filed: March 30, 2004  
Entitled: A Method for the Detection of Lung Disease  
Related Gene Transcripts in Blood

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

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Amy Decloux

Name of Person Mailing Paper

*Amy Decloux*

Signature of Person Mailing Paper

**Mail Stop Patent Application**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**TRANSMITTAL LETTER**

Enclosed for filing in the above-identified patent application, please find the following documents:

1. New Patent Application Transmittal;
2. Patent Application, (272 pages);
3. Thirty-Four (34) sheets of informal drawings of Figs 1 - 34;
4. Application Data Sheet;
5. Non-Pub Request (Request for Certification Under 35 U.S.C. 122(b)(2)(B)(i));
6. Two (2) CD-ROMs (called Tables - Copy 1, Tables - Copy 2) in the following format:

Machine Format: IBM-PC

Operating System: MS-Windows

Files Contained: See Chart Below

Size: 6.27MB

Date of Creation: March 29, 2004

and containing Tables 2 - 4. The content of each CD-ROM is identical and is as shown on the following chart:

	<u>TABLE</u>	<u>DESCRIPTION</u>	<u>SIZE</u>	<u>CREATED</u>	<u>Text File Name</u>
1	2	multi-gene comparison	371,563	3/25/2004	TABLE2.TXT
2	3A	GLF 8 - hypertension	138,940	3/28/2004	TABLE3A.TXT
3	3AA	GLF 29 - asthma	36,121	3/27/2004	TABLE3AA.TXT
4	3AB	multi OA	29,898	3/27/2004	TABLE3AB.TXT
5	3AC	GL MDS vs. schizo	114,078	3/27/2004	TABLE3AC.TXT
6	3AD	steroid differential	64,646	3/27/2004	TABLE3AD.TXT
7	3B	GLF 9 - obesity	147,421	3/25/2004	TABLE3B.TXT
8	3C	GLF 10 - allergies	95,700	3/25/2004	TABLE3C.TXT
9	3D	GLF 11 - steroids	93,808	3/25/2004	TABLE3D.TXT
10	3E	GLF 12 - hypertension	314,854	3/25/2004	TABLE3E.TXT
11	3F	GLF 13 - obesity	181,310	3/25/2004	TABLE3F.TXT
12	3G	GLF 14 - diabetes	146,212	3/26/2004	TABLE3G.TXT
13	3H	GLF 15 - hyperlipidemia	165,909	3/26/2004	TABLE3H.TXT
14	3I	GLF 16 - lung	92,936	3/25/2004	TABLE3I.TXT
15	3J	GLF 17 - bladder	1,143,423	3/26/2004	TABLE3J.TXT
16	3K	GLF 18 - bladder	953,119	3/26/2004	TABLE3K.TXT
17	3L	GLF 19 - Coronary Art Dis.	246,178	3/26/2004	TABLE3L.TXT
18	3M	GLF 20 - rheumarth	329,672	3/26/2004	TABLE3M.TXT
19	3N	GLF 21 - depression	153,108	3/26/2004	TABLE3N.TXT
20	3O	GLF 22 - rheumarth	49,043	3/26/2004	TABLE3O.TXT
21	3P	GLF hypertension 577 only	84,945	3/26/2004	TABLE3P.TXT
22	3Q	GLF OA hypertension shared	33,081	3/26/2004	TABLE3Q.TXT
23	3R	GL obesity 519	79,544	3/26/2004	TABLE3R.TXT
24	3S	GL obesity shared 152	24,583	3/26/2004	TABLE3S.TXT
25	3T	GL allergy specific	39,547	3/25/2004	TABLE3T.TXT
26	3U	GL allergy OA shared 241	35,603	3/25/2004	TABLE3U.TXT
27	3V	GL steroid 362	54,954	3/26/2004	TABLE3V.TXT
28	3W	GL OA steroid shared	31,459	3/27/2004	TABLE3W.TXT
29	3X	GLF 26 - liver cancer	435,093	3/27/2004	TABLE3X.TXT
30	3Y	GLF 27 - schizophrenia	578,949	3/26/2004	TABLE3Y.TXT
31	3Z	GLF 28 - chagas	202,477	3/28/2004	TABLE3Z.TXT
32	4	sequence listing	114,765	3/11/2004	TABLE4.TXT

7. Return Post Card.

Pursuant to 37 C.F.R. § 1.27, Applicant claims small entity status.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 4231/2055J. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: 3-30-04



Name: Kathleen Williams  
Registration No.: 34,380  
Customer No.: 29933  
Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, MA 02199-7613  
Tel: 617-239-0100

Express Mail Label Number: EV242756520US

Date of Deposit: March 30, 2004

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor		Liew
	Title:	A Method for the Detection of Lung Disease Related Gene Transcripts in Blood	
	Attorney Docket Number:		4231/2055J

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

3-30-04



Date

Signature

Kathleen Williams

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**